

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

December 20, 2017

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Tiffany Brown, Assistant Attorney General
Amber Nielsen, Board Secretary
Van Kagie, Investigator
Kurtis Hughes, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator
Hillarie Murray, Division Staff
Lacey Vawdrey, Division Staff
Connie Mickels, Division Staff

COMMISSION MEMBERS PRESENT:

Lori Chapman, Chair
Cal Musselman, Vice Chair
Lerron Little, Commissioner
Russell K. Booth, Commissioner
William Perry, Commissioner

GUESTS:

Heather Swanger	Tammy Lund
Shane Norris	Kevin Swenson
Cassandra Graves	

The December 20, 2017 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Chapman conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes

from the November 15, 2017 meeting of the Commission as written. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

No public comment was made at this time.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart announced that Tiffany Brown has joined the AGs office and will be working with the Division. He noted the Division now has three dedicated AGs and the Real Estate Analyst; when he started there were only 1.5 AGs. Ms. Brown introduced herself and discussed her background.

Director Stewart reported the legislative draft has been sent to the Office of Legislative Research. They are currently working on the draft bill. The Division will receive a draft back from them. Once the Division receives the draft back, the Division will show the draft to the Commission.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in the month of November the Division received 21 complaints; opened 1 case; closed 15 cases; leaving 362 open cases. There are 35 cases assigned to the AG's office.

Stipulations for Review

Benjamin J Blaser
Janae Bloomfield
Cassandra L Glaves
Andrew B Gutierrez
Judy Hamblin
Jennifer D Mascaro
Rourk McRae
Brandi L Strong
Bradley P Winget

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the committee discussing the Brokerage Requirements met. The committee was comprised of himself, Ms. Wright and Jennica Gruver from the Division, Chair Chapman from the Commission, and Shane Norris, Paul Willden, and Kreg Wagner from the industry. They discussed nontraditional models, location addresses including having no vacant lots as a company address, and team names. At the meeting it was determined no rules needed to be updated.

Mr. Fagergren introduced the topic of State Approved Commercial Real Estate forms and briefly discussed the history of this issue. He stated the Division supports including the forms discussed on the Division website. However, the Division feels the cons might outweigh the pros if the forms are adopted as state approved forms. He stated that core topic accreditation could be granted for industry forms not just state approved forms. Commissioner Booth stated he is confused because he felt the Division was in favor of adopting the forms. The Commission and Mr. Fagergren discussed the issues. Mr. Fagergren noted that as the rules are written if a state approved form is available, it must be used. The Commission continued discussing the issue. The Commission directed the Division to continue exploring the options of adopting Commercial State Approved Forms.

COMMISSION AND INDUSTRY ISSUES

Ms. Wright reported the committee to discuss the owner exemption requirement met and has drafted some language. There still needs to be a decision about where that language is added to the rule. That language will be presented next month.

Mr. Barney announced the public comment period ended on December 8th without public comment on the pending rule update. He stated the rule may be made effective at any time. This filing pertains to rule amendments regarding branch broker supervision, and approving the New REPC and the Earnest Money addendum as state approved forms. A motion was made and seconded to approve the rule filing. The effective date of that approval was considered, and the motion was amended and seconded to approve the rule change with an effective date of January 1, 2018. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. Director Stewart concurred. The motion was approved.

Commissioner Musselman briefly discussed the owner exemption issue.

A brief recess was held from 10:07 a.m. until 10:16 a.m.

The meeting resumed at 10:16 a.m. for the Informal Hearing of Gretchen Hudgens upon her appeal of the Division's decision on her Application to Act as a Real Estate Broker.

INFORMAL HEARING

10:16 a.m. Gretchen Hudgens – Applicant
 Mark Fagergren – Witness for Division

A brief recess was held from 11:25 a.m. until 11:37 a.m.

The meeting resumed at 11:37 a.m. Ms. Hudgens withdrew her appeal of the Division's decision on her Broker Experience.

The hearing for Ms. Hudgens concluded at 11:38 a.m.

A brief recess was held from 11:40 a.m. until 11:48 a.m.

The meeting resumed at 11:48 a.m. for the Informal Hearing of Tanner Atwood-Bowen upon his appeal of the Division's decision on his Application to Act as a Real Estate Sales Agent.

INFORMAL HEARING

11:48 a.m. Tanner Atwood-Bowen – Applicant
 Crystal Bowen – Witness for Mr. Atwood-Bowen

A brief recess was held from 12:43 p.m. until 12:45 p.m.

The hearing for Mr. Atwood-Bowen concluded at 12:48 p.m.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 12:49 p.m. to 1:19 p.m.

OPEN TO PUBLIC

Results of Executive Session

Michele D. Parsons – Approved with Division Concurrence
Shane S. Stark – Approved with Division Concurrence
Melinda Vierig – Approved with Division Concurrence
James Andrew Rose – Approved with Division Concurrence
Britton C. Sharp – Approved with Division Concurrence
J. Daniel Fox – Approved with Division Concurrence

Ms. Nelson will be notified by mail of the Commission's decision.

Mr. Atwood-Bowen will be notified by mail of the results of his hearing.

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 1:20 p.m.